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## INTRODUCTION TO SOCIOLOGY. XIV

### PART III. GENERAL STRUCTURE OF SOCIETIES

#### CHAPTER VII. THE SOCIAL FRONTIERS (CONTINUED)

##### SECTION V. THE GREEK WORLD (CONTINUED)

It is very remarkable that neither Plato in the *Laws* and in the *Republic*, nor Aristotle in the *Politics*, attempts to establish a theory of the social frontiers. However, in the fourth book of the *Republic* Plato raises the question "of the most just limits which the magistrates can grant to the growth of their state and its territory, beyond which limits it shall not try to expand." He supposes, then, that these limits, as all social structure, are the work of political architects, and, furthermore, that they have fixed natural limits. These limits appear to him very justly to have relation with the organization of the state. "This state must be permitted to grow as much as possible without ceasing from being one, and absolutely not beyond." The state will therefore be able to extend itself so far as it will preserve the type of community which Plato definitely pretends to impose upon it.

One can, however, legitimately suppose that Plato foresaw the realization of his ideal plan for all Greece, by his demanding not only an international code of war for all Greek tribes, but even the suppression of the war between the Greek republics.<sup>1</sup> Society is based upon common rights, both economic and moral: this is the grandeur of his sociological conception; his society is co-ordinate, and its extension is limited only by the measure of this co-ordination; its limits have relation with its composition and its inner structure. He seems, however, to forget the influence of the surrounding social conditions. He supposed, perhaps, like Weng-Tsen, that this influence could be disregarded, as the best-organized state naturally must assimilate the others. In his *Laws* Plato wishes that the city be far from the sea and from every other city; thus it will be better protected from corruption, and it will preserve itself better. In short, the preoccupation with

<sup>1</sup> Book V.

his architectural plan induces him to neglect the constantly varying aspect of societies, their continuous and spontaneous transformation which always takes place independently even of the more or less rational and methodical intervention of man. And then the city is an isolated mass, its equilibrium being confined within itself.

At the very moment when the situation in Greece is changed by the formation of larger groups, Aristotle shows clearly<sup>2</sup> the correlation between the structure of the state and the division and boundaries of property. Since the frontiers of the state form a part of its structure, and even constitute, as we have seen, its fundamental and primordial feature, the conclusion implied in his observation is that the structure of the frontier of each society is also related to its interior system of property and, in a more general way, to its economic organization.

According to Aristotle, the public estates belong by right to those who bear arms and possess political rights. Thus he unites in his formula the military, political, and proprietary trinity; in these three forms, which are only one, consists sovereignty. The peasantry must form a distinct class. He rejects the community of property, which no longer agrees with the conditions of civilization of the enlarged city. He adds, however, that the kindness of the citizens ought to make its usage common. Thus it is probably a question of the transformation of the primitive communality, and not of its absolute suppression. A new social state needs new institutions which assure its cohesion, its co-ordination. The territory must be divided into two parts, one to be reserved for the public, and the other for private individuals. Each part will be subdivided into two other parts, of which the first is destined to provide for the expenses of cult and for those of common feasts; as to the latter, the poor can only with difficulty contribute the amount prescribed by law, and at the same time provide for all the wants of their families. The second part ought to be divided among all the citizens, for the reason that everyone who possesses property both at the frontier and in the environs of the city is equally interested in the defense of both inner and outer regions.

<sup>2</sup> *Politics*, Book IV, chap. 9, 6.

As to the limits of private property, Aristotle touches the subject only incidentally<sup>3</sup> when he criticises the opinion of Socrates as lacking in clearness and precision. Socrates had, indeed, said that "property must go so far as to satisfy the needs of a sober life." According to Aristotle, a sober life can be very miserable, and one ought to say "sober and liberal;" i. e., a life equally distant from luxury and suffering.

The most noteworthy point is that Aristotle, like Plato, conceives the complete structure of the state as a constant and necessary equilibrium with its composition and inner organization. Aristotle, however, who lived in the midst of an imperialistic development, understands that new institutions must agree with the new social conditions. Neither the primitive communality of tribes and clans, nor the regulations of the old city, are any more suitable to the Greek state, or even to the Græco-oriental. But he realizes that if the primitive forms of communality have disappeared, conditions of existence must be assured to each member and each group which are at least as advantageous as those which they formerly enjoyed. This is necessary in the interest of the interior equilibrium as well as in the interest of the transformed and enlarged state. Therefore he assures to every citizen a moderate existence and therefore he interests every one of them in the defense of the interior state and of the boundaries. This empire remains a unified communality, co-ordinate in spite of its more extended limits.

Thus the two greatest thinkers of Greek antiquity, who differ in so many points, foresaw the great sociological law which connects the problem of the social frontier with the very organization of society. The interest of the individual and that of society met in the empire, as formerly in the city, in the tribe, and in the horde.

But how much more extensive and more complex was the social mass united by the same tie! Not only was movable property differentiated from landed property; not only existed public property side by side with private property; not only did wages and serfdom extend under different forms; but capital and labor assumed collective forms. In Greece as in Egypt there were

<sup>3</sup> Book II, chap. 3, 5.

associations of capitalists and of laborers, coalitions, strikes, etc. How many new social relations have sprung up and are continuously springing up! How many profound causes of inequality and lack of equilibrium at the interior, and, besides, how many barbarous and warlike nations at the exterior! How to make up for the deficiency of understanding and of co-operation at the interior; how to assure the preservation and the defense of so many peoples united rather by force than by their vows and by common justice; how to suppress this social question of all times and especially of the last periods, a question so vital in all Greek cities—that was the problem. All this unstable equilibrium of the new civilization could be secured peacefully only by listening to the voice of the great social reformers; but these had influence only several centuries later. Plato and Aristotle belonged rather to the future than to their own times. These were still in the hands of the military powers. Thus a center of warriors' civilization was formed outside of Greece, at its frontiers, where brutal force, in contact with other barbarians, raged with the utmost rudeness; a center of warriors' civilization that conquered Greece, Asia, and Egypt, and finally became only a province of the empire it had helped to found. All these regions, reunited in the same dominion, and already partially amalgamated by their commercial and other relations, saw for some time their political frontiers wiped out and replaced by divisions that were purely administrative and military, under a unique authority. This empire is already international and inter-continental; indeed, it ties together the most homogeneous parts of three continents. It is, at the same time, continental and maritime; it encompasses the different civilizations that were developed at the banks of the large rivers and seas. It extends to the Mediterranean, the Ionian, the Ægean, and the Black Sea; it touches the Caspian Sea, the Red Sea, the Persian Gulf, and the Arabian Sea. It ever spreads more in width than in length; yet it already extends far to the north. In reality, it has no physical boundaries; it comprehends all the large basins. Yet so many inequalities still exist between these different regions, and between the groups, castes, and classes of each region, that equilibrium can be established only by aid of a

strong foreign authority. It is always despotism which makes up for the differences within a state as well as between nations. There is, however, nothing more frail than the social or intersocial tie of military force. The empire of Alexander did not survive its founder; new political frontiers were formed by its dissolution. But Greek civilization continued nevertheless to embrace regions that were farther extended than those of former Greece.

#### SECTION VI. THE ROMAN WORLD

Geographically, Latium is the plain between the Tiber and the sea, the Alban Mountains and the foothills of the Apennines. It is the primitive territory, or *Ager Romanus*, equally distant from the Great Etruscan civilization and the already civilized tribes of southern Italy. Here at a certain period adventurers, at the same time bandits and colonists, settled, who were least adapted to the regular existence of more advanced societies and constituted a real military frontier in contact with other military societies: Æguians, Volscians, Sabines, Samnites, etc. This military frontier existed thus at the boundaries of nations of different origin: toward the north the Etruscans and Ligurians; Italianized Aryans, Greeks, and Phœnicians in the south. This military frontier, with Rome as its center, was destined to become the natural nucleus of a new empire and to impress, according to the social development, its military character upon the economic, moral, and juridic structure of this empire.

Rome, the center of this frontier, is driven in like a hard wedge between the north and the south of Italy, already more plastic, and subdues them gradually. Since 270 B. C. all of Italy is Roman as far as the Rubics and the Arno. Thereupon the frontier is constantly moved forward. Sicily is conquered, Corsica and Sardinia are annexed; the Gauls are repelled to the other bank of the Po; the Ligurians are exterminated, and their remnants are transported into Samnium. The Roman frontier touches the Alps. This natural frontier is transgressed; for the social forces, in their evolution, ignore and pass over these prebended boundaries.

From 143 to 95 the first invasion of the northern valleys of the Alps takes place. In these mountains the rivers have their

sources. While the mountains form temporary obstacles, the rivers are the natural roads of communication. Then military colonies are established, one after the other, in order to maintain the newly conquered countries. Some are Roman, others Latin; but all serve to constitute a military frontier. This is the true frontier, but military, and independent of the social frontiers. And while this frontier is extended to the Alps and beyond, a corresponding co-ordination has been accomplished in the interior. Rome is the political center. All the places at the frontier are connected with the city, the seat of government, by large military routes: the Via Appia from Rome to Capua, the Via Venusia, the road of Tarent and Brindisi in the southwest, the Via Flaminia, and those of Narnia, Spoletum, and Ariminum at the northwest shore of the Adriatic. Of ten large highways, seven started from Rome.

Even the evolution of the signification of the word "Latium" shows the continuous transformations which have been accomplished. Originally Latium is only the place of refuge of adventurers and, without doubt, of armed robbers (*latere, latro*). Gradually this region comes into contact with the neighboring cities. A confederation is formed—political Latium, or the dominion of the Latins, with Alba as its capital. Rome assumes the leading position and bestows upon the ancient confederation its military and authoritative character. The Roman-Latin confederation is dissolved. Henceforth the word "Latium" has lost its exclusively geographic meaning, and a political and juridic signification is attached to it. The *jus Latii* is detached from the primitive territory; it is conferred upon Italians and inhabitants of the provinces, who thus obtain the enjoyment of all civil rights to which the *civitas romana* entitles, as for instance, the ability of acquiring the full right of a city through the establishment of municipal magistrates. Finally Augustus includes within the so-called Latium all the towns of the ancient Latin confederation, those of the Hernici, Volsci, and Aurunci; and, besides, Campania. Thenceforward "Latium" becomes a term which signifies one of the eleven administrative divisions of Italy.

In 146, after the destruction of Carthage, the Roman sway

establishes the province of Utica in Africa. From now on it rules the Mediterranean Sea. Spain, which had been the intermediate country between Italy and Africa, the battlefield where Rome fought against the invading Carthaginians, is definitely conquered. Now a military land route, connecting Italy with Spain, becomes necessary. In 154 Nizza, a Greek city which was constantly vexed by the Ligurians and the Celts of the Rhone valley, is occupied. Thence the conquest proceeds along the seacoast northward as far as Vienne and westward as far as Toulouse. The castellum of Asia is fortified, and a colony is established at Narbonne. A great road is constructed connecting the Var with the Pyrenees.

But the new conquests cannot be secured even by military frontiers. The newly won countries are better secured if they are protected by new annexed territory beyond the military frontiers. Conquest calls for conquest. After the invasion of the Cimbrians and the Teutons (of whom the Teutons were finally annihilated at Pourrières, Campi Putridi; the Cimbri in 101 at Vercellæ) the conquest of Gaul began to be considered indispensable to the security of Italy and even of Spain.

In the East the "kingdom of Asia" is, in 129, constituted from the remnants of the kingdom of Pergamus. Pamphylia and Cilicia are conquered. The frontier moves continuously, regardless of rivers and mountains, encircling the basins and distant valleys. A whole belt of provinces at the coast finally incloses the last, still more or less independent states, which had already become clients of Rome. This clientship of states is an enlarged image of the private clientship of the dominant class. After the sudden growth and prosperity of the kingdom of the Pontus under Mithridates and his alliance with Armenia, the entire kingdom of the Pontus is annexed to the province of Bithynia. All the cities of the north and of the seacoast of Syria as far as Egypt experience the same lot. Egypt loses even Cyrenaica and Cyprus.

Then, from 58-51 B. C., the conquest of Gaul is achieved. Gaul was the intermediate country between the Roman state and the Germans. Still deeply split into different parts, it was unable



to serve as a buffer. It was not able to defend the left bank of the Rhine, nor to prevent the invasion of the Romans. As early as the year 43 these had founded the colonies or military frontiers of Lugdunum and of Colonia Rauraca near Basel. Only the population of the Alps had remained free in their high valleys. The conquest of Gaul advanced the Roman sway at once to the Rhine; it encompassed all the intermediate basins, with all their ethnical and political subdivisions.

Thus at the time of Cæsar's death, after the kingdom of Iuba had been annexed to the province of Africa, the whole circumference of the Mediterranean Sea belongs to Rome, except the two extremities of the south coast. Still at different points the sphere of penetration is yet but little extended, as in Dalmatia, where the ties between the two parts of the empire have remained feeble. After the battle of Actium, Augustus will see to this.

At the middle of the third century after Christ the Roman Empire exceeds, not only in latitude, but also in longitude, all known civilizations. Rome has politically leveled all geographic boundaries, all ethnical divisions; it has absorbed the Etruscans, the Greeks, the Phœnicians, the Egyptians, the Aryans, the Semites, the Hamites. Of the ancient historical states there remain but Persia, restored in 226 by the Sassanides, India, which consisted politically of the greater part of the peninsula, and China. These begin to entertain indirect relations with the nations at the coast of the Mediterranean. Thus the civilization embraces most river and sea basins, and reaches to the Atlantic, the Indian, and even the Pacific Ocean. It has proceeded, toward the north, to Britanny and a part of Germany. Beyond the Rhine and the Danube the Germans, and farther east the Slavs, represent a niveau still inferior to that of the nations which are contained within the boundaries of the empire. Between Europe and Asia are the Mongolian nomads. Yet as no frontier was impervious, the infiltrations continue from without to the interior of the empire, and from within to the outlying regions.

Yet the development of a pre-eminently military empire has doubtless not proceeded without any drawback, in spite of the progressive and organic differentiation of its peaceful elements,

which differentiation in the interior the empire has facilitated by removing farther and farther the regions exposed to warfare. Thus the almost certain voyages of the Phœnicians around Africa are forgotten; Africa is considered to be attached to the south of Asia. It takes several centuries to blot out this error and to establish there the inter-continental traffic.

If we now enter into the details of this Græco-Roman evolution, the tradition of which forms a part of our own inheritance, we must consider some most interesting facts in respect to the special problem of the social frontiers.

The ancient city was formed through the association of still simpler forms. Tribes, *curiæ*, and *gentes* at Rome are analogous to the same primitive groups in the formation of the Greek city. The ancient city was a confederation whose constituent elements embraced these previous group formations. Each city was strictly closed. "Between two neighboring towns," says Fustel de Coulanges, "there was something more insurmountable than a mountain. It was the tract of sacred boundaries; it was the difference of the cults; it was the barrier which each town erected between the stranger and its gods."

In reality there are no other frontiers than the social frontiers, whose ethnical and geographical character furnishes but insufficient particular elements for serving as a base for a scientific theory. There were no mountains between Thebes and Plataæ, between Argos and Sparta, between Sybaris and Croton, as little as between the twelve towns of Etruria and those of Latium. To assume a physical, or even simply a fortified, frontier seems a sign of weakness. Sparta, like Berlin, does not possess any fortifications; it is a military city; Athens, a relatively peaceful and commercial city, surrounds itself with walls, like Antwerp.

However, contrary to the idea of Fustel de Coulanges, it was not primarily the cult that constituted the social and autonomic frontier of the city. This was, above all, conceived as a domain, as an estate with boundaries. Religion, especially the cult of the ancestral *manes*, was superposed upon this economic conception, and by connecting in an ideal way the present with the past it made of the city the domain inherited from the forefathers, in

which they rested, and in which they continuously took an interest — the fatherland.

In Greece it was customary to bury the dead in the fields of each family and not in cemeteries or at the roadside. Gains<sup>4</sup> quotes a law of Solon concerning this. Plutarch,<sup>5</sup> Marcellinus,<sup>6</sup> and Demosthenes<sup>7</sup> confirm this custom. The same kind of burial was customary in Italy, as is shown by the Law of the Twelve Tables and the later jurists, such as Pomponius<sup>8</sup> and Julius Paulus,<sup>9</sup> and by other passages of the *Digesta*.<sup>10</sup> Siculus Flaccus<sup>11</sup> says expressly: "Certainly there were two ways of placing the tomb. Some put it at the limit of the field; others in the center." Thus the communal family was tied to the past by the tombs of the ancestors. It was the *patria*; the domain of the ancestors was the *mundus*, the economically and morally complete circle which lived by the direct consummation of its products and sufficed for itself. It was the elementary group which, associated with others, constituted the city. And this city likewise possessed its limits and its gods.

Cato has the formula with which the Italian peasant invoked the Manes to guard his field, to protect it against thieves, and to grant an abounding harvest. One can, then, explain why the tomb was placed sometimes within the field and sometimes at its border. It was placed at the border where the field was exposed to plundering and in the middle where the security was greater. It was likewise with the city of the living: the military forces and the fortified places were at the boundaries. The world of the dead was the image of that of the living. Tibullus<sup>12</sup> speaks in the same terms of the *Lares agri custodes*.

Because a stranger could be neither owner nor heir, he was not protected by the same cult and the same right. In Greece the stranger was under the jurisdiction of the "archon polemarch;" in Rome he was judged by the *praetor peregrinus*. Thus the

<sup>4</sup> *Digesta*, X, i, 13.

<sup>5</sup> *Aristides*, I; *Cimon*, XIX.

<sup>6</sup> *Life of Thucydides*, XVII.

<sup>7</sup> *Against Callides*, XIII, XIV.

<sup>8</sup> *Digesta*, XLVII, 12 and 15.

<sup>9</sup> *Digesta*, VIII, 1, 14.

<sup>10</sup> Especially XIX, I, 53; XI, 7, 2 and 9, and XI, 7, 43 and 46.

<sup>11</sup> *Fragmenta terminalia*, ed. Goez, p. 147.

<sup>12</sup> I, 1, 23.

inner organization was at the same time in equipoise with the exterior milieu. The *gens* is the real, primitive family, with its common territory, common cult, and common right. This community is at the same time positive for its members and negative toward foreign groups. The frontiers between *gentes* as well as between cities of *gentes* are sociological and primarily economic. Later they are gradually transformed, together with the economic transformation of the *gens* and of the city. The cult, the private and public right, will follow this very evolution.

The primitive forms do not, however, disappear completely; they are only covered by superficial allusions. Cicero<sup>13</sup> says: "Religio Larum posita in fundi villaeque conspectu;" so when the clan and the family are already greatly modified, the primitive custom is persistent. Only when property has been individualized to a great extent, and when, besides, there are many families without property, the tombs begin to be grouped in cemeteries, in special fields which establish among the dead the community which has disappeared from among the living. Yet in each case, always and everywhere, the religious form molds itself conformably to the prevailing economic forms and conceptions.

Primitively each field and each house were surrounded by a boundary to separate them from the domicile and estate of other families. This boundary was not a stone fence, but a strip of ground several feet wide. It remained uncultivated in order to mark distinctly the separation; and later the law enacted that it must remain untilled. It is the same custom and the same idea which we find in greater measure in the military frontiers of the states. The plow must never touch this separating strip, nor was it desirable that the military frontier should cease being a desert. There was, however, this difference: the uncultivated strip of ground between the estates of different owners contained the tombs. The habitations of the dead protected the living family. At the frontier of the states a more material protection was necessary: a military force. But was this not always, for the enemy, a menace of death, if not of the dead?

The Roman law declared the strip of ground separating

<sup>13</sup> *De legibus*, II, 11.

estates to be imprescriptible. Exactly this is the case with the frontiers of the enlarged state; there the *ager publicus* is formed, not capable of being lost or impaired by the claims of anyone founded on prescription.

At different days of the month the head of the family strode around his field, following carefully the uncultivated and hallowed strip. He drove before him victims; he sang hymns; he made sacrifices.<sup>14</sup> On this frontier, at certain intervals, big rocks or trunks of trees, called *termini*, *termones*, *termina*, were placed. Similarly, the chiefs of the city went regularly the rounds at the frontiers, inspecting the military detachments and the military frontiers. Only the heroes and the gods of the city were here exempted from the defense; their tombs and temples were placed along the military routes and even — as far as the higher divinities of the state were concerned — within the cities.

Siculus Flaccus<sup>15</sup> describes the ceremonies connected with the estate of the family. We shall see that the rites relating to the territory of the state are analogous, if not absolutely identical. Says Flaccus:

In this manner our ancestors proceeded: First they dug a small ditch; at its border they set up the "term," which they crowned with garlands of herbs and of flowers. Then they sacrificed; the blood of the immolated victim they caused to flow into the ditch; they threw into it burning charcoal, grain, cakes, fruits, and poured over it some wine and honey. When all this was burned up in the ditch, the stone or the wooden trunk was sunk down and driven into the still glowing ashes.

Stone and trunk represent symbolically the site occupied by the dead buried in the ground; the bones of the ancestors symbolized the frontiers of the traditional property of the family, the frontiers of the commonwealth. At the boundaries of the field the victims are slain, their blood flowing to strengthen the guards of the field. Also at the frontiers of the state the blood will continually be spilled, and the fields, fertilized by the remains of the dead, as the infelicitous saying goes, will be considered the legitimate prize of the sacrifices that were made to win and to defend them.

<sup>14</sup> Cato *De re rustica*, 141; Dionysius of Halicarnassus, XI, 74; Ovid, *Fasti*, 639; Strabo, V, 3.

<sup>15</sup> *De conditione agrorum*, ed. Lachmann, p. 141.

All these rites, institutions, and creeds were not isolated facts nor aberrations. They were quite natural and, under various forms, universal. Thus one finds the same usages among the Sabinians and the Etruscans before the Roman conquest.<sup>16</sup> The Etruscans were a different race. They probably did not belong to the Aryan race, but came from the eastern regions of the Mediterranean, after having been expelled by Greek invaders.

The Greeks likewise had sacred boundaries: ὄροι, θεοὶ ὄροι.<sup>17</sup> Plutarch and Dionysius of Halicarnassus translate *terminus* by ὄρος. In Greek it was also named τέρμων.<sup>18</sup>

The frontier was always known as eternal, as an indisputable and perfect form of the social equilibrium. The discussion of any institution whatsoever is already a sign of its transformation. The immovable and sacred "term" guarded the border of the field. It warned the neighbor not to touch it even involuntarily; for otherwise "the god who is hurt by the plowshare or the mattock exclaimed: 'Stop! this is my field; yonder is yours,'"<sup>19</sup> The violator of the "term" was cursed, he and his beasts: "Qu'il soit mandit celui qui a arraché une borne, lui et ses bœufs."<sup>20</sup> According to Etruscan law,<sup>21</sup>

he who has tondred or removed the landmark will be condemned by the gods; his house will disappear; his race will be exterminated; his field will not produce any fruits; hail, blight, the heat of the dog-star will destroy his harvest; the limbs of the guilty will be covered by ulcers and destroyed by consumption.

If these visitations were not exactly realized, since there existed, within the family groups forming the city, at least a more or less organized justice of a theocratic character, they continued to rage through war, when the frontiers between neighboring societies were disputed. There the conflicts caused the destruction of the harvest and the extermination exactly as formerly in the feuds between the families and the hostile clans.

Plato foresaw this correlation of the economic, familiar, or

<sup>16</sup> Varro, L, V, 74.

<sup>17</sup> Pollux, IX, 9; Hesychius, s. v. ὄρος; Plato, Laws, VIII, 842.

<sup>18</sup> Euripides, *Electra*, G 6.

<sup>19</sup> Ovid, *Fasti*, II, 677.

<sup>20</sup> Fustel de Coulanges, *La cité antique*.

<sup>21</sup> *Scriptores rei agrariae*, ed. Goetz, p. 258, or ed. Lachmann, p. 35.

private form with that of the state. Mentioning the Athenian law of which these words have been preserved, "Do not trespass upon the boundaries," he adds:

Our first law must be: let nobody touch the frontier which divides his field from his neighbor's, for it must remain immovable. Let nobody think of disturbing the small stone which separates friendship from enmity, the stone which one has vowed by oath to let stay at its place.

Thus the violation of the boundary line produces enmity, as the violation of the frontiers brings about war. The frontier between estates is known to be immovable, as are also the frontiers between nations. And yet at all times they have been moved and transformed; for the individuals and the nations see only what they wish or are able to see. Every belief is an obstacle to the conception of anything that does not fit into its frame.

When, about three hundred years after Christ, under the empire, Rome had become a relatively enormous center of population, with characteristics very similar to those of our large cities, we still find the ancient conception of the family patrimony, but how dimmed! In this already essentially capitalistic epoch the city contained, according to our most competent archæologists, about forty-five thousand "tenement houses," and only about one thousand seven hundred mansions or private houses occupied by their owners. The "tenement houses" were called *insulae*; the private houses *domus*. These latter represented all that had remained of the old domestic constitution, but, as we see, even the others, the "islands," were still considered as closed, isolated homes, contrary to reality.

These were by no means institutions and ideas that were exclusively pertaining to the Græco-Roman civilization. They can be found everywhere in the same stage, with some variations which, however, are but accessory. The laws of Manu<sup>22</sup> inform us that the same conditions existed, for instance, in India. But everywhere the order and the equilibrium were supposed to be immovable and definitive as form-limit, while the limits of the private and family property—which are always conditioned by the social and especially to the economic movement—were either extended or reduced in accordance with the changeable conditions

<sup>22</sup> VIII, 245.

of the inner social *milieu*, and equally under the influence of the external conditions. The constitution of the property at the interior necessitated a continuous extension of the public territory, and therefore the advance of the frontier. The progress of the conquest also exerted a vigorous influence upon the constitution of the private property.

As originally the estate of the group was not distinct from that of the state, because the family group or the clan was the state, so at the moment when the differentiation between private and public property is accomplished, and the latter has two distinct domains—one a general domain formed by the frontiers of the sovereign state, the other embracing the particular domain of the state in so far as it is different from the property of the groups or individuals—a new organic tie unites these differentiated forms and gives them a common structure and a common function, though apparently different, the accidental modifications in any one of the parts producing complete variations in all other parts, and a general transformation always following as the result of each particular variation.

Thus the interpretation of the rites and creeds in connection with the frontiers of the property of the horde, the tribe, the clan, or the family serves as foundation for the theory of the frontiers of the state. At the beginning the two theories are confounded, because the property and the frontier are blended. Thereupon a real differentiation follows; but unity is re-established by the correlation and interdependence of the organs and the differentiated functions. The primitive state was a domain; the modern state is, in reality, the same, but its utilization is nowadays given to manifold agencies—to groups which are becoming more and more special, yet destined to co-operation toward one aim. This is unfortunately too often disregarded, both in theory and in practice, by those who contest the legitimacy of the constant intervention of the society in its own organization, in view of the general interest.

Just as most modern constitutions still declare that the territory of the state is one, indivisible and inalienable, within the frontiers surrounding it, so was originally the condition of prop-



erty; not only of communal, but of family, and even of private property, which originally does not imply the right of using and of abusing—a right which subsequently law has subjected to reasonable limitations.

Even in its most absolute form, individual property is but a social function. The two arbitrary theses, which are as wrong as the old controversy between the individual and the state, must be abandoned in favor of the more positive consideration of the constant relation which, in each society, ties the condition of the individual to that of the group, and does not permit us to say whether the whole is superior or inferior to the parts forming it. There is no absolute value, but only relative equivalence. Thus it is in the division of the social functions. The most elementary and common functions are the most necessary; less essential are those which we consider the most elevated. To attempt to establish for them a definitive hierarchic order means to deny the possibility of the mutual evaluation of the social services by a common measure. This mistake is at the bottom of all theories of inequality; but these very theories were created by the almost general conditions of the evolution of human societies. These conditions were military and sprang from inequalities between neighboring societies caused by the difference of their interior development. There existed among the societies a hierarchy, such as existed among the individuals and the groups of individuals in the interior. Even today the jurists of international law proclaim in vain the principle of the equality of all sovereign states. This equality will remain a pure metaphysical conception, always contradicted by the facts. We have powers of first, second, third rank, etc., and the list of their composition, which has ever changed, will always be amenable to revision. The theory which actually proclaims the equality of states does no more correspond to reality than the principle according to which in one and the same society all men possess equal rights or are equal before the law. These are purely juridic, though generous fictions, and in this sense, but only in this sense, they point to new and higher social forms. The positive conditions of peace among individuals as well as societies will never be able to demonstrate

themselves except in the progressive abatement of the inequalities existing among them. These inequalities do not result from the political frontiers, nor from the separation between the castes and the classes. The exterior and interior divisions are, on the contrary, only the effect of these inequalities. Between the nations there are mountains, rivers, seas, oceans; but these do not form their real frontiers. The true intersocial and social frontiers are deeper than oceans, higher than mountains, more untilled than deserts. In spite of the triple distinction between national territory, public domain, and private property, do not these three forms continually depend upon each other? Can we reasonably suppose that if, for example, the French soil happened to be conquered by Germans and would be utilized by Germans, no danger would arise therefrom for the whole and indivisible territory of the republic?

At Sparta it was expressly forbidden to sell real estate;<sup>23</sup> likewise at Locri and at Leucadia.<sup>24</sup> Phædon of Corinth, a legislator of the ninth century B. C., ordained that the number of families and of real estate must remain immutable.<sup>25</sup> Only it is more difficult to limit the population than to limit the property. Neither one nor the other proceeding is efficacious. It would have been necessary to adopt both at the same time; but this would have been the same as to proclaim the cessation of social life, to force it to restrain itself to an absolutely unchangeable number of inhabitants in a fixed territory; and yet it presupposes that this population and the territory do not vary in their composition. Sparta experienced its evolution in spite of the decree prohibiting the selling, bequeathing and giving away of the ground. Thanks to the accumulation of movable property and to the inequality, an oligarchy arose, which was at the same time economic and political; and we know that finally the ephor Epidadeos succeeded in enacting a law that allowed a citizen to dispose of his possessions by donation or by bequest. Finally the restriction about selling property was removed; for Plutarch mentions<sup>26</sup> that the sale was frequently disguised under the pretext of donation and bequest.

<sup>23</sup> Aristotle, *Politics*, II, 6, 10.

<sup>24</sup> *Ibid.*, II, 4, 4.

<sup>25</sup> *Ibid.*, II, 3, 7, 9.

<sup>26</sup> *Life of Agis and Cleomenes*.

But in those days the ancient Spartan state was already greatly modified in its interior and exterior relations and structure.

Because originally real estate is not private property, it is explained why the laws of the Twelve Tables permit the creditor to seize the person of his insolvent debtor, but not to seize his property. Thus it was for a long time among the Hindoos. Credit was at the beginning personal before it could become real and landed. Mommsen acknowledges that

the idea of property was with the Romans, not originally associated with immovable property, but only with the possession of slaves and of cattle. . . . The Romans of the first centuries cultivated the farm land in common, probably in different clans; each of these clans cultivated the estate belonging to it, and the product was then distributed among the different families that formed the clan.

The clan was a differentiation produced within the tribe, as the families or houses were a differentiation within the clan. On the contrary, the city extended itself by the fusion of several tribes. And the more the city grew, the more were the primitive groups limited and individualized. Their own frontiers do, however, not disappear; they only become less and less rude limitations. But even in a purely graphic form the limits are by no means less real. In this and in other regards the evolution of the frontiers which had become at a certain time simple interior divisions has been identical with that of the frontiers of the state which consists of several cities. Also this state can become a simple interior division.

In ancient times the conception of the frontier of the state was in such wise adequate to that of the boundaries of property that the ceremonies used at the founding of a city and at the delimitation of the family domain were analogous. Fustel de Coulanges describes, after Plutarch, the customary ceremonies, and especially those employed at the foundation of Rome. Romulus digs first a small circular trench, into which he throws a clod of soil which he had brought from the city of Alba. Thereupon every one of his companions throws into the trench a little soil which each had brought from his native land. According to the idea of the ancient, religion forbids a man to separate himself from the land of his deified ancestors and from the hearth. This, in my opinion,

may be explained by the fact that the patrimony belongs to the community, and that, by leaving this, one lost all right to the former. Thence was derived, in case of emigration, the custom of taking along symbolically the soil and the hearth, represented by small portions thereof. The divinities and the cult followed. When Danton replied to those who advised him to flee, "Do you carry away your country at the sole of your shoes?" this refusal to escape proved that at Danton's time the economic conditions and ideas were changed. Since then the capitalist, by a return to the primitive forms, has become a thorough cosmopolitan. As Adam Smith has already remarked, he carries with him his capital as previously the emigrant took with him a little ancestral soil. *Patria* was the *terra patrum*, *Vaterland*, in the most realistic sense—the land which contains the *manes*, or ancestral remains, and gave shelter to the *patres*, or heads of the families of the community, those who will be the *patres* or senators of the city.

According to Plutarch the circular trench, dug at the foundation of a city, was called *mundus*, or region of the nether *manes*. It was, according to Festus, *eius partem conservatam dus manibus*; likewise Servius says: *Aras inferorum vocant mundos*. *Ara* was the field, and also the altar erected upon the field for the cult of the ancestors, the previous owners of the field. These had even now their own field—the one beneath. The base of the cult is economic; the altar is the superstructure of the arable field. At the trench, which was thus filled with the shares of the soil from the different territories, left by each of the members of his crowd, Romulus imitates the family head who erects upon the family estate the tombs or altars of his ancestors. He sets up an altar for the ancestors, and then he kindles the hearth of the city. "The trench," says Ovid,<sup>27</sup> "is filled with soil, and the altar is constructed above it. A new hearth is lighted there, and the fire is kept burning." Around the altar the city arises, as the house surrounds the domestic hearth, and as the family tomb is situated in the domain. We have seen that frequently, on the contrary, the tomb was at the edge of the field. The formation of the city meant centralization. It was natural that, with the constitution of

<sup>27</sup> *Fasti*, IV, 823.

a center, a differentiation between the frontier properly so called and this center should take place. This differentiation was, at the same time, economic, religious, and political.

Thereupon Romulus drew a furrow in order to designate the circumference of the city, as the head of a family left a strip of ground uncultivated around his domain. He did this by striding around with his head veiled, priestly garments covering him. He is the chief of the city and its *pontifex*, as the head of the family in the chief of his community. He also holds the handle of the plow and chants his prayers, followed by his companions. The clods raised by the plowshare are carefully thrown to the inner side of the circumference, in order that no portion of the land may belong to an outsider, and also in order to prepare a new obstacle at the side of the trench. Indeed, if the soil dug out is called the fosse, the earth cast inside is called the moat or wall.

The ceremony as performed by Romulus was similar to the Etruscan ceremony — *etrusco ritu*; perhaps it was an imitation. But then one would have to admit that the founders of Rome were Etruscans. In sociology a law governs imitation: the same social conditions produce naturally analogous institutions and creeds.

After the outline of the city has once been established, it constitutes the frontier, as the ancient city is a closed city and as, in this respect, it is connected with the primitive community which also constitutes a closed *mundus*. This sacred frontier is inviolable; it is forbidden to transgress it, for this means to go into a foreign land, to the enemy. Remus had to pay for his sacrilegious infraction with his life, but he proved at the same time that each frontier is destined to be crossed.

No line surrounding a city is absolutely closed or uninterrupted. The legendary founder of the city of Rome lifts the plow at certain places; he carries it — *portat*. The gates, *portae*, are the places where Romulus has interrupted the trench and the wall, where he has carried the plow.

It should be noticed now that here, as in the strip left untilled between the family estates, we see something reappear and develop which in the case of states of more considerable size will become the march, the territorial border. The *pomoerium* is the sacred

space reserved at both sides of the wall; it is forbidden to cultivate it or to live thereon. "Postmoerium dictum," says Varro, "quo urbana auspicia finiuntur." On this place there is neither cult nor cultivation; there is the artificial desert, death, the true frontier of the city.

Aulus Gellius<sup>28</sup> gives us the definition of *pomoerium* which<sup>28</sup> XIII, 14.

he found in the books of the augurs, where the question of the auguries was treated: "The *pomoerium* is a space around the city, between the walls and the field properly so called; it is determined by fixed limits where the auspices of the city are terminated." That established by Romulus ended at the foot of the Mons Palatinus, but it was extended together with the republic, and finally encompassed several high hills. The *pomoerium* could be extended only by a warrior who, by conquest, had enlarged the republic by a territory that was taken from the enemy. Of the seven hills only six were inclosed in the city limits up to the time of Emperor Claudius. Claudius finally added the Aventinus, which up to that time had been excluded, since it had given unfavorable auspices to Remus at the time of the foundation of the city.

Thus the development of the city center is already regarded as correlated with the extension of the state or the society; but in the Roman military society the social development is understood only as an extension of the territorial frontiers by conquest.

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[To be continued.]